

Brian Sandoval, Governor



Maggie Tracey, O.M.D., President
Vince Link, O.M.D., Vice President
Lisa Mathews, O.M.D., Secretary/Treasurer
Fely Quitevis, Member
Abraham Jim Nagy, MD, Member
Merle Lok, Executive Director

STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE

*****PUBLIC NOTICE*****
REGULAR BOARD MEETING
September 19, 2016 @ 6:30 PM

AT THE FOLLOWING LOCATION:

Grant Sawyer Building, Office of the Attorney General, 555 East Washington Ave., Room #4500 - Las Vegas, NV 89101.

*****MINUTES*****

1. *CALL TO ORDER (Discussion/For Possible Action)* Maggie Tracey, OMD, President

Roll call to determine presence of a quorum, at 6:30 pm

Board Members Present:

Dr. Maggie Tracey, OMD
Dr. Vince Link, OMD
Dr. Lisa Mathews, OMD
Dr. Abraham Jim Nagy, MD

Board Staff:

Brett Kandt, Board Counsel, AG Office
Merle Lok, Executive Director

Public:

In person:

Daniel Davies
Yeaji Suh
Huiwen Zhang
Joel Ramos

Via telephone:

Chad Bachman

2. *PUBLIC COMMENT*

None

3. *Adoption of Agenda (For Possible Action).*

Motion: Dr. Link motioned to adopt the agenda

Second: Dr. Nagy

Action: Motion carried unanimously

4. ***Approve or disapprove of July 28, 2016 Minutes (For Possible Action).***
Motion: Dr. Nagy motioned to adopt the minutes
Second: Dr. Link
Action: Motion carried unanimously
5. ***Approve or disapprove of Chad Bachman as an OMD licensee in Nevada as he has passed his licensee exam. (For Possible Action).***
ED advised that Mr. Bachman raised some questions about the about the herbology portion of the exam. Dr. Tracey added that under the advice of the AG, an independent OMD reviewed the questions. When the questions at issue were removed from the exam, Mr. Bachman passed the herbology portion of the exam.
Motion: Dr. Mathews motioned to approve
Second: Dr. Link
Action: Motion carried unanimously
6. ***Approve or disapprove of Dr. Setsuko Sage's CEU titled Chow Medical Qi Gong for 8 credits presented by Dr. Effie Chow online (For Possible Action).***
Motion: Dr. Link motioned to approve
Second: Dr. Mathews
Action: Motion carried unanimously
7. ***Approve or disapprove of Dr. Setsuko Sage's CEU titled Safe and Effective Chinese Herbal Formulas for Pets for 5 credits presented by Dr. Signe Beebe online (For Possible Action).***
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Discussion: Dr. Link raised the question as to whether it was appropriate for the Board to approve CEU's for topics outside the scope of practice for OMDs in Nevada. As Dr. Sage took this course to meet CEU requirements, and this issue has not been clarified, he proposed allowing the number of credits Dr. Sage needed to complete her CEU requirements for this year, but not allowing the balance to carry over to 2017.
Motion: Dr. Link motioned to approve for 2 credits as this course pertains to pets, rather than humans, and not allow the balance to carry.
Second: Dr. Mathews
Action: Motion carried unanimously
8. ***Approve or disapprove of Dr. Stephanie Jordan's CEU titled Lab Testing For Fertility Patients for 8 credits presented by Dr. Leslie Oldershaw, L.Ac. online (For Possible Action)***
Motion: Dr. Mathews motioned to approve
Second: Dr. Nagy
Action: Motion carried unanimously
9. ***Approve or disapprove of Sunyoung Lee's application and for said applicant to take the licensing examination in December 2016 (For Possible Action).***
Motion: Dr. Link motioned to approve
Second: Dr. Nagy
Action: Motion carried unanimously
10. ***Approve or disapprove of Joel Rios' application and for said applicant to take the licensing examination in December 2016 (For Possible Action). *Please note the Board may go into closed session pursuant to NRS 241 to consider the character, alleged misconduct, or professional competence of Mr. Rios.***

Mr. Rios did not request a closed session. ED advised that upon investigation based upon Mr. Rios' fingerprint results, there is a guilty plea agreement to a gross misdemeanor in District Court from Mr. Rios for taking a vehicle without owner's consent in 2003. Mr. Rios was placed on probation, paid restitution and it was honorably discharged. Dr. Tracey noted that it was 13 years ago and Mr. Rios has gotten his education requirements. Dr. Link stated that he was more concerned that the crime did not involve bodily harm.

Motion: Dr. Mathews motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

11. Attorney General's presentation on the Open Government Law for board members (Discussion only)

Brett Kandt discussed the open Government Law.

12. Discussion of dry needling committee status (Discussion only).

Dr. Tracey stated that there is a dry needling committee established by NOMA members and other OMDs in Nevada. This committee is not established by the Board. There was an anonymous complaint to Health and Human Services ("HHS") about a dry needling injury. HHS is concerned about infection and the scope of dry needling by physical therapists. HHS is doing its own research and will see if it is appropriate for physical therapists to do dry needling without proper training and the certification process. HHS has sent off questions to the Center for Disease Control and the Food and Drug Administration. The committee is on hold until it gets an opinion from HHS. One of the concerns is about the off-label use of acupuncture needles. The original dry needling needles was with hypodermic needles. Dr. Tracey spoke to Jenelle Lachman, the President of the Nevada physical therapy association. Dr. Tracey said that Ms. Lachman will be sending one more letter to her members about being certified, well trained and cautious about the use of dry needling. HHS is concerned about infection, bruising and damage to tissue. Dr. Yeaji Suh added that clean needle technique in the 7th edition of [inaudible] is created for western medicine practitioners and the AMA wants physical therapists to have acupuncture equivalent level of training. She believes that as long as someone is puncturing the skin, they need to have proper training.

13. Discussion of contract with Board hired attorney (Discussion only).

Dr. Tracey stated that Mr. Meich was hired to look at Wongu and dry needling issues and the Board is not compelled to use his services if it does not want to. Dr. Link added that Mr. Meich advised the Board not to pursue the dry needling issue. Brett Kandt advised that if this Board wanted to go against the PT Board, it would have to hire outside counsel as the AG's Office would be conflicted out but he would have to run it past the AG's general counsel. Mr. Kandt stated that the legislature would have to decide whether it wants one Board to regulate on this practice or multiple Boards to regulate this practice.

14. Discussion of legislative session (Discussion only).

Dr. Tracey wanted to clarify whether it is common to retain lobbyists. Mr. Kandt stated that it is common for regulatory boards to retain lobbyists. Dr. Tracey stated that it would be difficult to add legislation at this point. Dr. Mathews asked whether the prior proposed regulations had to be withdrawn. Mr. Kandt stated that if they were rejected, that is the end of the process unless they were acceptably revised. Dr. Tracey added that

Board members can testify at the legislature. Mr. Kandt stated that it is important to note that you are testifying on your own behalf as unless you have been authorized to speak for the Board on the Board's position. Dr. Tracey stated that she will be watching the bills proposed at the legislature. Dr. Mathews and Dr. Link discussed whether the Board could join NOMA or Wongu in hiring a lobbyist. Mr. Kandt stated that any expenditure for a lobbyist would have to go through the State Contract approval process.

15. Discussion of unlicensed OMDs (Discussion only).

Dr. Tracey stated a couple of people are advertising acupuncture but are not licensed. Mr. Kandt stated that the Board can delegate the authority to staff to contact that individual, to issue cease and desist letters or to bring a complaint. Members of the Board cannot investigate but staff or a contracted individual can investigate. Dr. Tracey stated that the Board would want a statistical quarterly report about the number of complaints and resolution about unlicensed activity. Mr. Kandt stated that if certain unlicensed activity resulted in physical harm, it could be a felony.

16. Discussion of Dr. Maggie Tracey's participation at the Governor's Conference on non-opioid pain management (Discussion only).

Dr. Tracey stated that the Governor had a conference on non-opioid pain management where she was a panelist. The head of Southern Nevada VA now has 4 acupuncturists on staff and was thinking of adding an acupuncture wing. The Governor's office will be writing a plan of action and looking at Medicaid adding acupuncture services.

17. Approve or disapprove of the establishment of standardized testing of the Nevada licensing exam to be compliant with NRS 634A.120 (For Possible Action).

Dr. Tracey stated that when she took the exam, there were many subjective questions on it. Mr. Kandt advised the Board that any regulations would be temporary until the legislative session was over. Dr. Tracey would like the Board to start thinking about changing the exam.

18. Approve or disapprove of purchasing a new laptop and its related items, a scanner, and Quicken for ED to use for the administration of Board matters (For Possible Action)

Motion: Dr. Nagy motioned to approve for the purchases to go through State Purchasing, if possible

Second: Dr. Link

Action: Motion carried unanimously

19. Public Comment (Discussion Only).

Dr. Suh stated that she wanted to have a natural process on CEU approval so that the practitioners are clear, whether regular meetings can be held, and whether there is a link to sign up to be notified of the meetings. Dr. Tracey stated that practitioners can contact or email the ED to be put on the email list for meetings.

20. Adjournment (For Possible Action)

Motion: Dr. Tracey motioned to approve

Second: Dr. Mathews

Action: Motion carried unanimously